

U.S.A. vs Macario Leyva-Cano No. 08mj0929

The Court finds excludable delay, under the section indicated by check (✓),
commenced on 3/28/08 and ended on 4/1/08; (xm)
and ended on _____.

- 3161(h)
____(1) (A) Exam or hrg for **mental or physical incapacity**
____(1) (B) **NARA examination** (28:2902)
____(1) (D) State or Federal trials or **other charges pending**
____(1) (E) **Interlocutory appeals**
____(1) (F) **Pretrial motions** (from flg to hrg or other prompt dispo)
____(1) (G) **Transfers from other district** (per FRCrP 20, 21 & 40)
____(1) (J) **Proceedings under advisement** not to exceed thirty days
____ Misc proc: Parole or prob rev, deportation, **extradition**
____(1) (H) **Transportation** from another district or to/from examination
or hospitalization in ten days or less
____(1) (I) Consideration by Court of **proposed plea agreement**
____(2) **Prosecution deferred** by mutual agreement
☒ (3) (A) (B) **Unavailability of defendant or essential witness**
____(4) Period of **mental or physical incompetence** of defendant to
stand trial
____(5) Period of **NARA commitment or treatment**
____(6) **Superseding indictment and/or new charges**
____(7) **Defendant awaiting trial of co-defendant** when no severance
has been granted
____(8) (A) (B) **Continuances** granted per (h) (8)-use "T" alone if more than
one of the reasons below are given in support of continuance
____(8) (B) (I) 1) Failure to grant a **continuance** in the proceeding
would result in a **miscarriage of justice** and
the ends of justice outweigh the best interest
of the public and the defendant in a speedy trial.
(Continuance - **miscarriage of justice**)
____ 2) Failure to grant a **continuance** of the trial would result in
a miscarriage of justice as the defendant has tendered a
guilty plea to a magistrate judge and is awaiting a
determination as to whether the plea will be accepted.
(Continuance - **tendered a guilty plea**)
____(8) (B) (ii) 2) **Case unusual or complex**
____(8) (B) (iii) 3) **Indictment** following arrest **cannot be filed** in thirty (30) days
____(8) (B) (iv) 4) **Continuance** granted in order to obtain or substitute counsel,
or give reasonable time to prepare
(Continuance **re counsel**)
____3161(I) Time up to **withdrawal of guilty plea**
____3161(b) **Grand jury indictment time extended** thirty (30) more days

Date 3/28/08

WMC
Judge's Initials

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